S.B. Civil Writ Petition No.3480/06
Devi Shankar Tailor Vs. State & Ors.

Date of Order : 02/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Abhishek Sharma, for petitioner

The petitioner, while holding the post of Agriculture Supervisor, retired from service on attaining the age of superannuation w.e.f. 30th April, 1992. On a representation made by him for grant of selection scale, he was informed vide order dt.7th June, 2000 [Ann.2] as he was punished for penalty of censure vide order dt.7th December, 1991 in exercise of Rule 17 of Rules, 1958, his consideration for grant of selection scale was deferred for one year and before 25th January, 1993, he could be considered, by that time he retired from service. On further representation made by him, he was again informed by the government vide order dt.14th July, 2003 [Ann.4]. Thereafter, the petitioner submitted notice of demand for justice and approached this court.

Counsel for petitioner contends that in a similar fact situation, this court has allowed that writ petition No.2253/95, copy of which has been placed on record as Ann.8. On a specific question put to the counsel as to what is justification for approaching this court after such an inordinate delay, particularly, in

the facts of instant case when he retired from service way back in 1992 and despite information furnished to him six years before filing of the present petition what steps were taken by him. Only submission coming forward is that he was pursuing his remedy before the Government and finally served notice of demand for justice.

In my opinion, the present petition has been filed after inordinate delay and no satisfactory explanation has come forward which dis-entitles him from availing discretionary remedy under Article 226 of the Constitution.

Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB